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HYPER-FRAGMENTATION AND TRADITIONAL POLITICS IN COLOMBIA: DISCUSSING ALTERNATIVE EXPLANATIONS

Francisco Gutiérrez Sanín
IEPRI
Universidad Nacional de Bogotá

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Hyper-Fragmentation and Traditional Politics in Colombia: Discussing Alternative Explanations*

Francisco Gutiérrez Sanín
Universidad Nacional de Colombia

Introduction

How should the extreme electoral fragmentation that has characterized the Colombian political system in recent years be interpreted? The standard answer is simple: it is due to wrong institutional designs. This paper assesses this response. In so doing, it seeks to underscore some of the potential weaknesses of the neo-institutional research programme as applied by political scientists to the study of Latin American problems. As Ames has highlighted, in Latin America such a programme has taken institutions as the independent variables, focusing on two basic questions: what is wrong, and how to fix it?¹ The obvious, and often explicit, inspiration for these normative and analytic concerns is the “institutional engineering” of Sartori.² I will discuss some of the limits and downsides of institutional engineering, taking the concrete example of Colombia.

Though the theme I focus on may seem rather esoteric (the impact of electoral rules of the game on actual outcomes), it has monopolized the attention of a good part of Colombian academic and public debate as regards the political parties, giving rise to waves of journalistic discussion and of enthusiastic pledges for reform. Through public discussion and referenda, it has become the hottest ‘intra-systemic’ (i.e. not related to the armed conflict) theme since the 1991 Constitution. That very dry texts on the electoral quota or the thresholds of entry to the parliament have been able to mobilize broad chunks of public opinion is not due to some miraculous ultra-politicisation of the country, but to the widespread feeling that there is a direct relation between the worse type of politics – ‘traditional politics’, based on clientelism and corruption – and electoral fragmentation, expressed in the dispersion of electoral lists.³

This is the relationship that I will probe systematically (albeit using very simple means). Its power becomes obvious if one sees that the emotional rejection of the Machiavellian arts of the ‘bad guys’ – winning elections through fragmentation – is reinforced by a quite neat and powerful rational explanation of how and why this takes place. The explanation is developed through several steps. First, traditional politicians have no ideology, and are interested in no more than their personal interests.⁴ Second, and as a result of the previous premise, they have

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¹ Barry Ames, ‘Approaches to the study of institutions in Latin American politics’, *Latin American Research Review*, 34:1 (1999).

² Giovanni Sartori, *Ingeniería institucional comparada. Una investigación de estructuras, incentivos y resultados*, Mexico: Fondo de Cultura Económica, 1994.

³ Until 2003, Colombia elected the legislature through closed and blocked lists. I will define throughout fragmentation as the count of lists per district. I will use ‘fragmentation’ and ‘dispersion’ as synonymous.

⁴ In Colombia, ‘traditional politics’ has two meanings. On the one hand, politics associated with the 150-old Liberal and Conservative parties; on the other hand, clientelistic politics. These meanings are not identical, but the discussion of the issue goes beyond the limits of this paper.

a stake in being elected by small constituencies, and in not engaging in alliances with other politicians. Each possible alliance would force them to distribute more widely the (fixed) profits that a victorious politician can expect. In technical jargon, traditional politicians will be intent on forming ‘minimal winning coalitions’. Third, the rules of the game allow – and encourage – this pro-fragmentation drive. Fourth and last, the changes in the rules of the game depend on those very traditional politicians that, due to fragmentation, control the Congress. The upshot is immobilism, closure and corruption. Thus, there is a continuous feedback between dispersion and clientelism. This is the core – and by far and away the best – defence of the standard explanation.

Table 1- Evolution of lists presented for Congress

Source: Rodríguez (1998).

	1991	1994	1998	Contested Seats
<i>Senado</i>	143	254	314	102
<i>Cámara</i>	487	674	692	163
Total	630	928	1006	265

How valid is it? The fragmentation of the Colombian political system is indeed extraordinary (see Table 1). It is not only extensive, but also, in contrast to the rest of the Andean region, a very important part of it took place *within* the dominant Liberal and Conservative parties. Instead of a ‘big bang’ in the party system, with spectacular destruction and organizational invention like in Venezuela, Peru and (partially) Ecuador, it can be argued that the old forces in Colombia survived through, not despite, growth by fission. Consequently, fragmentation may be attributed to the conscious decision of the traditional politicians. Furthermore, some legal dispositions contained in the 1991 Constitution seemed to have buttressed party dispersion, thus offering new evidence in favour of the standard hypothesis:

A tradition of ignorance added together with clientelistic practices has had as an effect the creation of multiple electoral groups and factions supported by clientelistic solidarities: small business electoral groups [*micro-empresas electorales*].⁵

The 1991 Constitution:

... threw more wood onto the fire, given that it multiplied the number of actors that could participate in the area of state finance (parties, political and social movements, and significant citizen groups). Also, because it issued lax and perverse regulations that helped to feed the division of the parties, and finally because it opened the way for the parties as well as the lists or the candidates to be able to receive and manage with complete autonomy the electoral funds, including those of public origin. This situation contributed decisively to the growth of party anarchy that Colombia is experiencing at the moment.⁶

⁵ Oscar Jiménez, ‘Democracia electoral: una aproximación a la crisis política’, *Registraduría Nacional del Estado Civil, Documentos Electorales*, 1:2 (1997), p.27.

⁶ Pizarro, Eduardo, ‘El financiamiento de las campañas electorales en Colombia’, in Varios, *Reforma política y paz*, Bogotá: Corporación Viva la ciudadanía-Foro Nacional por Colombia, 1998, pp.72-87.

This paper is divided into five parts. The first one examines in detail what the standard diagnosis says about the relationships between clientelism (and what we call in Colombia ‘traditional politics’), the institutional framework and party fragmentation. It also offers some basic data about the political and electoral system in Colombia. Having a group of hypotheses at hand, it is possible to see if they stand up. This is looked at in the second part, with a quantitative case study: the dispersion of Liberal Party lists for the *Cámara de Representantes* (Lower House). In the third part, I show what the institutional engineers have missed in their analysis of Colombian fragmentation. In the fourth, I concentrate on the micro-foundations of hyper-fragmentation. Finally, I conclude by suggesting that institutional engineering can generally be quite misleading.

Two arrows

The main assumption made by political engineers states that the rules of the game in Colombia (especially the electoral ones) encourage the dispersion of lists:

It could then be observed how the rules of the [1991] Constitution were trying to overcome the two-party system, facilitating the appearance of new parties and movements, stimulating the emergence of a perverse and chaotic dispersion of parties.⁷

There are three main candidates for the role of villain in this institutional plot. The first one is the mechanism that transforms votes into seats, which in Colombia is the Hare quota. It is, in effect, a strictly proportional mechanism that, according to the theory, provides extremely fair representation at the expense of stimulating dispersion.⁸ The problem is that the existing Hare quota was institutionalised in Colombia between 1929 and 1932 and, although the country had a moderate to high level of fragmentation for many years, it was not until relatively late on that it entered into a sudden escalation of fragmentation. Furthermore, Jones’s comparative exercise shows that the use of one or another electoral quota does not distinguish between levels of dispersion.⁹ Thus, while it may be considered to be a pro-dispersion arrangement, the Hare quota can be discarded as an institutional device that promotes fragmentation, transforming it into hyper-fragmentation.

The second candidate is the *Frente Nacional* (National Front), a Liberal-Conservative agreement that blocked inter-party competition, but by doing so stimulated intra-party competition (i.e. directly fostered fragmentation). However, the National Front was dismantled in 1974, with a gradual return to competitive elections.

The third possible villain is the 1991 Constitution. The Constitution created a national electoral district for upper house elections, increasing the possibility for fragmentation due to district size. It also marginally lowered the barriers to entry for non-partisan organisations to participate in elections. However, a good part of the regulations of the new constitution were routine, in the sense that they simply constitutionally recognised some rules of the game that were already in existence. One of the explicit objectives of the new constitution was to allow

⁷ Juan Carlos Rodríguez, ‘Participación, sistema de partidos y sistema electoral. Posibilidades de ingeniería electoral’, *Análisis Político*, 33 (January–April 1998), p. 98.

⁸ See, for example, Dennis Mueller, ‘Constitutional public choice’, in Dennis Mueller (ed.), *Perspectives on public choice*, Cambridge: Cambridge University Press, 1997, pp.124–148.

⁹ Mark Jones, *Electoral laws and the survival of presidential democracies*, Notre Dame: University of Notre Dame Press, 1996.

for the renovation of political personnel.¹⁰ Did it have undesired side effects or did it consciously favour, despite its discourse, the traditional politicians? In either case, it would have to be demonstrated that fragmentation spiked after 1991.

Table 2 – Institutional periods in relation to fragmentation

Period	Institutional Designs	Fragmentation Stimuli
1958-1974	Serious limitations to inter-party competition	High
1974-1991	Gradual opening of inter-party competition, ¹¹ separation of presidential and parliamentary elections	Opening of competition favours cohesion, separation of elections favours dispersion
Since 1991	Double round presidential elections, freedom for participation by movements	High

In sum, to be credible the notion that the electoral rules encouraged hyper-fragmentation should show that hyper-fragmentation was triggered after 1991 (if the villain were the constitution), or up to 1974 and after 1991 if both the *Frente Nacional* and the constitution were responsible (see Table 2).¹² The ‘mined period’ for the standard hypothesis is approximately between the end of the *Frente Nacional* and 1991: if the significant changes in levels of dispersion were produced then, the 1991 Constitution had not begun to cause harm, and the *Frente Nacional* had stopped having any effect (see Table 2).¹³ Dispersion would therefore have had other causes, and our two supposed villains, with all their suspect appearance, would either be innocent or simply minor accomplices.

But the arrow of causality also goes in the other direction. According to institutional engineers, not only do institutional arrangements favour hyper-fragmentation; traditional politicians actually win with it. If there exists a quasi-consensus in Colombian political science, which consistently fed reform efforts, this was it. It must be noted that the assertion is divided into two parts.

¹⁰ For example, the Members of Parliament, who before enjoyed immunity (*inmunidad*), now only have parliamentary privilege (*fuero*), which means that they can be held responsible for violations of the penal law. Details like this allowed for literally dozens of MPs to be imprisoned as a result of their connections with drugs-trafficking (Francisco Gutiérrez & Andrés Dávila, ‘Paleontólogos o politólogos: ¿qué podemos decir hoy sobre los dinosaurios?’ *Revista de Estudios Sociales*, 6 (2000), pp.39-50).

¹¹ Actually occurring since 1968, but in decided form (eliminating forced alternation of presidents, parity division of parliamentary seats and in subnational bodies, etc) it took place only in the 1970s.

¹² In this second case, the supporters of the standard hypothesis could reasonably argue that the negative effect of the Hare quota is only felt in Colombia in the presence of *other* rules that encourage dispersion. In that case, the two critical periods would be those of the *Frente Nacional* (1958-1974) and the period after the 1991 Constitution, since in both periods there would have been a strong pro-dispersion battery. Some restrictions to full competitive politics remained until 1986. However, this does not affect my general argument, because the abolition of the limits to inter-party competition on a parliamentary level developed long before 1986, and because the critical points on the dispersion curve seem to be found precisely between 1986 and 1991.

¹³ If the supporters of the standard hypothesis argue there is a time lag, their entire argument collapses, because they are supposing immediate effects of the legislation on the behaviour of the agents. I will therefore suppose that there is no time lag. But even if there were, the behaviour of the three periods could still be presented, but with the slight change of shifting them forwards in time.

The first is a simple statistical correlation. The bigger the dispersion, the better the result the clientelists obtain. But the interpretation of ‘best result’ itself presents two difficulties. First, what is the unit of analysis? Are Colombian politicians maximizers of votes or of seats? Given the peculiarities of both the Colombian political system and its electoral quota, there is a real difference between one unit of analysis and another. Although I will return to the problem in the next section, for the moment it is enough to give an example: party X goes to the elections united (with only one list) in electoral district Y, and can mobilise the enthusiasm of its members and win votes; but it may lose seats, because the Hare quatae is a system of greater residuals. Under the Hare quota, it is possible to lose seats while winning votes. Due to the nature of the standard hypothesis, and because clientelist politicians are ‘particularist’ and ‘presentist’ (unable to postpone gratification), it seems adequate to consider that we are speaking about the maximization of tangible and immediate prizes, i.e. seats.¹⁴

Secondly, is there a limit to rational dispersion? This is not a simple question, because for each political operator his results (in seats) depend on the results (in votes) of the other lists. However, there is a clear upper bound to rational dispersion: if more lists are presented than posts to be provided for, there is electoral dispersion that I will provisionally call ‘suboptimal’ (i.e. obviously not maximizing the number of seats). This second point is connected with the unit of analysis. Note that this is a crucial and delicate problem. The majority of supporters of the standard hypothesis have taken no notice of the fact that they sustain that the traditional parties gave life to personalistic *micro-empresas*. However, if, for example the number of lists exceeds the upper bound of rational dispersion, then there is a clear component of inconsistency in the explanation. This would reveal a fatal flaw in the hidden assumption behind the standard hypothesis: that politicians (or clientelists, or the traditional parties) represent relatively homogeneous actors, not confronted with problems of collective action, who are looking to maximize the number of seats through dispersion.

If institutional designs promote hyper-fragmentation, and the bigger the fragmentation the better for traditional politicians, then we have a nice, rationalistic hypothesis: politicians have manipulated the rules of the game. They have the incentives to promote the designs that buttress dispersion, and the means to block any sensible change (because, through elections with such biased and unfair rules, they dominate the congress). The result is full political closure.

There are various pieces of evidence to support this statement, the main one being the design by the Liberal Party of an ‘*operación avispa*’ (literally ‘wasp operation’, consisting of the multiplication of the number of lists that the party would present in each district) in the first elections of the 1990s, with the aim of maximizing their number of seats. The idea that hyper-fragmentation results from a maximizing manipulation of the electoral rules can acquire one of two variants: the first, conscious creation; the second, learning, whereby those who do

¹⁴ In fact, this is made implicit by Rodríguez (1998), who counts the votes cast for losers as wasted ones, a notion that I cannot share and that goes directly against the definition that Przeworski *et al.* give of democracy (“a system of losers”) (Przeworski, Adam; Álvarez, Michael; Cheibub, José Antonio and Limongi, Fernando, *Democracy and development. Political institutions and well-being in the World, 1950-1990*, Cambridge: Cambridge University Press, 2000). Note that, in reality, politicians could have more complicated functions of usefulness, which allow them to consider both votes as well as seats, and it seems that empirically this is the case. But to use these refinements would present technical difficulties and would not give anything particularly interesting, because the results that I present in the next section behave in a similar fashion both in terms of votes and seats.

not disperse obtain worse results, and the political actors little by little become aware of that situation. I believe that the second variant is more sophisticated, but in one crucial point both versions are identical: in the long term, dispersion, as its positive results become more and more evident, increases, until it reaches its rational maximum (the same as, or a little below, the upper bound, according to which the number of lists per constituency should not surpass the number of posts to be provided), which is an equilibrium.

So we now have a group of verifiable hypotheses. Will they pass the test of empirical assessment?

A case study: The Liberal Party in the Lower House

Perhaps there is no better way to try to understand the relationship between clientelism and electoral dispersion than to analyse the performance of the Liberal Party in the Lower House. On the one hand, the Party is implausibly fragmented. It remains Colombia's biggest party, despite all its losses, and continues to have a decisive effect on the whole system. It is the epitome of traditional politics. Furthermore, it was the liberals, under ex-president Alfonso López Michelsen, who proposed the so-called 'wasp operation', supposedly a *conscious* strategy to maximize seats through the dispersion of lists. On the other hand, the Lower House is the epicentre of traditional politics. Of course, this does not mean that 'Liberal Party' or 'Lower House' are operational expressions of clientelism or traditionalism; it is simply a matter of degree. Although it can be argued that there is very little, if any, difference between the lower and the higher chambers with regard to particularism, while the Senate has sometimes taken decisions that take into account national interests, the House has generally behaved in a strictly particularist manner. Thus, if the double relationship between harmful institutional designs and fragmentation, on the one hand, and fragmentation and good performance on the other, is not found in the case of liberalism in the House, it is highly unlikely to appear in any other part of the system.¹⁵ Last but not least, the liberals have performed much better in recent decades in parliamentary elections than any other force. This means that the standard hypothesis will be analysed under the best possible conditions.

Colombia is divided into departments, each one of which represents an electoral district for the House (see Table 3).¹⁶ In the first column, the reader can see the names of the corresponding constituencies. The second column shows the number of lists the Liberal Party successively presented in the given constituency in the analysed time period, consisting of the years 1974, 1978, 1982, 1986, 1990, 1991, 1994 and 1998. The third column is the statistic r-

¹⁵ I have a lot of evidence to show that there is no relationship between performance and fragmentation either. Instead, in the case of the so-called independents, a correlation could appear, but a rather spurious one. The matter can be considered in the following way: the movement against the traditional parties has been growing, independently of the rules of the electoral game. As the 'demand' for independents increases, so does the 'offer' (more candidates with these characteristics appear in the electoral game). As a consequence, it is possible that voting for, or participation of, independents in the electoral colleges may have grown simultaneously with fragmentation. But even if this was the case, it would have a limit, and we would be very close to its ceiling. Even if this double occurrence were naively accepted as a coincidence, an important part of the standard hypothesis would be refuted, because it would be the independents, and not the traditional politicians, who would win with fragmentation.

¹⁶ Unlike the House, which maintained essentially the same form before and after the 1991 Constitution, the Senate had two departmental electoral constituencies until 1991, from when it was provided with a national constituency. This constitutes an important technical reason for carrying out the study in connection with the House: we can compare what happened before and after the establishment of the new ground rules of the 1991 Constitution.

squared, relating to the intensity of the correlation between fragmentation and electoral performance, measured as the fraction of the total number of seats per constituency obtained by the Liberal Party. This can be read as the quantity of change of the dependent variable (in this case performance), which explains the independent variable (in this case fragmentation). The higher r^2 is, the better the adjustment. The fourth column represents the possibility of rejecting the null hypothesis (that the independent variable has no effect on the dependent one) at a significance level of 5%.

Table 3 – Dispersion and electoral success of liberalism in the Lower House

Source: (with exception of 1991) Registraduría Nacional del Estado Civil; (for 1991) *El Espectador*, 31 August, 1 & 5 September 1991. The regression analysis was made with and without 1991, resulting in analogous results.

Department/Indicator	Lists	r ²	F	Reject null hypothesis at 5% (1 degree of freedom in numerator, 6 en denominator)
Antioquia	(2,6,10,4,11,7,21,25)	0.041	0.257	No
Arauca	(3,4,4,3,4,1,3,4)	0.0035	0.02	No
Atlántico	(7,9,9,7,9,4,6,5)	0.332	2.986	No
Bolívar	(12,8,12,10,8,3,9,6)	0.0007	0.004	No
Boyacá	(10,8,11,9,10,3,13,8)	0.322	2.85	No
Caldas	(3,5,6,6,5,2,4,3)	0.167	1.201	No
Cauca	(3,5,2,5,7,3,9,7)	0.0199	0.122	No
Cesar	(4,5,6,5,5,1,5,8)	0.223	1.433	No
Caquetá	(2,3,2,3,2,1,2,3)	0.062	0.242	No
Córdoba	(6,7,6,5,4,4,7,6)	0.044	0.28	No
Cundinamarca ¹⁷	(7,8,18,17,34,4,19,19)	0.492	5.819	No
Chocó	(4,3,4,4,5,1,5,5)	0.556	7.501	Yes
Huila	(2,4,4,2,2,2,5,3)	0.003	0.016	No
Guajira	(2,2,2,3,3,1,3,4)	0.002	0.015	No
Magdalena	(6,5,6,5,4,4,10,6)	0.033	0.204	No
Meta	(4,4,3,4,3,1,4,4)	0.191	1.42	No
Nariño	(9,7,6,7,5,3,7,3)	0.09	0.596	No
Norte de Santander	(2,5,4,7,5,3,8,4)	0.013	0.08	No
Quindío	(3,5,5,4,3,2,5,3)	0.037	0.227	No
Risaralda	(2,6,5,6,4,2,3,3)	0.278	2.31	No
Santander	(4,10,12,10,10,3, 10,9)	0.209	1.585	No
Sucre	(5,5,5,4,4,2,6,3)	0.909	50.2632	Yes
Tolima	(2,2,3,6,10,4,10,9)	0.015	0.09	No
Valle	(2,5,8,6,12,5,24,15)	0.029	0.179	No

According to the table, there is practically no linear correlation in any constituency between fragmentation and electoral performance. It is not convenient to fragment. It is not a mistake to do it either. It is simply a factor that does not count (*vis-à-vis* seat-catching performance). The only possible exceptions are Sucre and Chocó. In Sucre, where the correlation is much

¹⁷ Until 1991, including Bogotá; after 1991, excluding Bogotá.

stronger, this acts in the opposite direction: as dispersion increases, the electoral results get worse.

There is, then, no evidence to support the intuition that the greater the fragmentation, the better the electoral performance. Perhaps the model is not well defined? In fact, changing the linear regression for a polynomial one I obtained rather more acceptable results, although even then the correlation was non-existent in the majority of constituencies. Are non-linear correlations credible? The standard hypothesis, both in the academic variation as well as in the journalistic one, has purported linear correlations, which is precisely what is evaluated in Table 3. This is reasonable, because the relationship in the real world has to be transparent enough for the political operators to be able to grasp and manipulate it.¹⁸

Although there is no correlation between fragmentation and performance, it could be considered that the former is bad in itself, and that the ground rules encouraging fragmentation are harmful, independently of whether or not they can be manipulated by the politicians. Let us concentrate, then, on the other arrow of causality. We can now compare, instead of constituencies, years, in order to establish how dispersion has evolved, and what the critical points of the trajectory are (see Table 4).

Table 4 – Evolution of dispersion in relation to 1994 election – difference of means test

Source: (with exception of 1991) Registraduría Nacional del Estado Civil; (for 1991) *El Espectador*, 31 August, 1 & 5 September 1991.

Year	1 sided p-value	Reject null hypothesis at 5%	Reject null hypothesis at 10%
1974	0.0031	Yes	Yes
1978	0.017	Yes	Yes
1982	0.098	No	No
1986	0.046	Yes	No
1990	0.2496	No	No
1991 ¹⁹	0.0037	Yes	Yes
1998	0.202	No	No

The third and fourth columns refer to the possibility or not of rejecting the null hypothesis (that is, a 'No' shows it to be reasonable to say that the averages are the same, hence little change in dispersion; a 'Yes' shows that there appears to have been a significant change in dispersion) to the significance levels of 5 and 10% respectively. Note that we are now comparing groups of numbers (the quantity of lists in the diverse constituencies presented in each year of the series), which can be studied from the point of view of whether or not they are significantly different amongst themselves. The reference year is taken as 1994, the first elections after the 1991 Constitution for which we have reliable information. The result is quite conclusive. The critical point in the evolution of dispersion in Colombia is 1990. It is in this year that the number of lists increases dramatically. The differences afterwards

¹⁸ There would always be the possibility of an unconscious evolutionary process, but this alternative is not realistic without long time periods to dismiss the losers, a condition that is not complied within this case.

¹⁹ It appears that 1991 has significantly fewer lists in practically all constituencies than in 1994, but this is probably due to faulty information.

between the different years are not significant, with the exception of 1991, when the result was probably due to a lack of sufficient information. But there is more. Powerful centrifugal forces, which were leading to an explosion of lists, already existed in 1982. In 1986 there was a contraction (possibly due to a conscious effort by the liberal leaders), but in 1990 liberalism was crushed by its own inability to solve its collective action problems, and has never recovered since.

The above is important for two reasons. First, the statistically significant increase in the dispersion of lists was produced *before* the 1991 constitutional reforms, to which therefore a causal value cannot be attributed. Second (and of equal value, although less visible), there are no differences between the dispersion of 1994 and that of 1998, which shows that for now we cannot say that any tendency exists.

All of this constitutes a big headache for the standard hypothesis. We have two periods which supposedly should present the proliferation of *microempresas electorales*: the *Frente Nacional* (1958-1974), and from 1991 until 2002. Then there are the elections that constitute the ‘mined period’, because they constitute the inferior valley of incentives for fragmentation in Colombia: 1982, 1986 and 1990. It is precisely here where the irreparable explosion of lists happened.

Table 5 focuses on the ostensibly suboptimal events of dispersion in each district in the period studied (i.e. the times that the Liberal Party launched more lists than posts to be provided for in each year/constituency). Even this very crude assessment produces some quite interesting results.²⁰ First, the events of suboptimality appeared throughout the entire period. Secondly, a qualitative change really does seem to have occurred in 1991: in the last two parliamentary elections an explosion of ‘suboptimal dispersion’ can be observed. But, contrary to what the standard hypothesis asserts, the only thing that has happened is that the traditional parties involved have been ostensibly harmed. I highlight that if we pass from the party unit of analysis to the lists, the landscape of rational behaviour does not improve either. As campaigns in Colombia are extremely expensive,²¹ not to mention the investment of time and effort, and there is an implicit risk attached to being involved in politics in Colombia, to lose has a severe penalty. Why do people become candidates when they have no chance of winning? If one speaks of incentive systems, one first of all has to deal with the problem of rationality.

This suggests, on the one hand, that the chosen unit of analysis is incorrect: it is not the traditional politicians, nor the Party, or possibly not even the majority of the political operators, who have benefited from dispersion. On the contrary, many have lost seats due to dispersion. Instead of ‘anti-democratic relationships’, we are faced with the difficulty the hierarchy of the party has in controlling the politicians, and that the intermediate levels of the clientelistic networks have in controlling the inferior ones. The ‘wasp operation’ would be, more than anything else, an adaptation of the hierarchies of the Liberal Party in order to confront unresolved collective action problems. On the other hand, it shows that the

²⁰ It may be possible to carry out a more precise analysis, working not with the upper bound (number of posts to be provided), but rather by maintaining fixed the voting of the other forces and evaluating whether, given this distribution of votes, the Party would have been able to increase the number of seats obtained by launching a different number of lists.

²¹ Many candidates engage in double accounting but, based on interviews with various candidates, I calculate that the cost for a campaign for the House in the 2002 elections could have been between 250,000 and 300,000 dollars.

institutions definitely could have had an impact, but through a sequence different from that proposed by the standard hypothesis. There was *moderate* dispersion and fractioning, encouraged by both the Hare quota as well as the National Front – which radically limited the inter-party competition and therefore encouraged factional competition – until approximately 1978. After that, factionalism began to get out of hand. The critical point was reached in 1990, when fragmentation became *pulverization*. However, there was another qualitative change in 1994: encouraged by the *ethos* of the 1991 Constitution (simplifying, anti-political and anti-party ideologies as well as institutional designs such as decentralisation), the political operators were under no control whatsoever from central party authority. The average number of lists did not increase in comparison with previous years, but there most certainly was an important qualitative change: the number of occurrences of ‘ostensible irrationality’ grew. Dispersion began to openly harm the traditional politicians (which shows, to complete the paradox, that the 1991 Constitution, by unexpected means, was actually fulfilling its function).

Table 5 – Prejudicial Liberal dispersion

Source: (with exception of 1991) Registraduría Nacional del Estado Civil; (for 1991) *El Espectador*, 31 August, 1 & 5 September 1991.

Constituency	‘Irrational’ Events
Antioquia	2 (1994 y 1998)
Arauca	8 (todos los años de la serie)
Atlántico	5 (1978,1982,1990,1991,1998)
Bolívar	5 (1974,1982,1986,1994,1998)
Boyacá	(1991,1994,1998)
Caldas	0
Caquetá	3 (1978,1986,1998)
Cauca	3 (1991, 1994,1998)
Cesar	5 (1978,1982,1990,1994,1998)
Chocó	5 (1974,1982,1990,1994,1998)
Córdoba	3 (1991,1994,1998)
Cundinamarca	4 (1990,1991,1994,1998)
Huila	0
Guajira	3 (1990,1994,1998)
Magdalena	2 (1994,1998)
Meta	5 (1974,1978,1991,1994,1998)
Nariño	2 (1974,1994)
Norte de Santander	1 (1994)
Putumayo	4 (1986,1990,1994,1998)
Quindío	4 (1978,1982,1991,1994)
Risaralda	2 (1978,1998)
San Andrés	4 (1974,1978,1990,1998)
Santander	2 (1994,1998)
Sucre	5 (1974,1978,1982,1994,1998)
Tolima	3 (1990,1994,1998)
Valle	2 (1994,1998)

Understanding the problems of the standard explanation

The statistical exercise above suggests that the figures of dispersion in Colombia fail to match the nice-looking, deductive, standard hypothesis. Can it be concluded, then, that the search for ‘neo-institutionalist themes’ to explain fragmentation in Colombia and its relationship with clientelism has been fruitless? In order to answer such a question, it is necessary to consider at least three other aspects.

In the first place, the discussion in the previous section is based on the analytical separation between party de-institutionalisation and the increase in competition. I evaluated how fragmentation had evolved within the Liberal Party. In Colombia, and in many countries of the Andean region, the analytical disaggregation of what happens within each party (or ‘political family’) is crucial. On the one hand, the old forces began to disintegrate and fragment. On the other hand, electoral choice increased since society no longer fitted into the old party scheme. Each day new ethnic and territorial movements, and other diverse forms of protest against the closed political system, appeared. Methodologically, it is incorrect to aggregate the de-institutionalisation of the old parties, and the new political expressions, because they correspond to different dynamics. Actually, the 1991 Constitution explicitly wanted to reduce the former and bolster the latter. The effective number of parties (according to the standard measure) actually decreased in the eighties, precisely when liberal fragmentation was increasing. That is to say, there was a decrease in choice alongside growing liberal fragmentation (Table 6). Contradictory dynamics came together. As soon as one separates de-institutionalisation from competition, the obvious, clear-cut explanations lose their appeal. Furthermore, the notion that throughout the period fragmentation was a strategy of clientelistic politicians seeking to win seats (and what is more, a successful strategy) appears to be untenable. Of the three Colombian political families, conservatives, liberals, and independents, the least fragmented were the conservatives, and it can be reasonably argued that they won seats by maintaining minimal levels of cohesion. In comparison, the independents (the most fragmented, since, unlike the liberals and conservatives, they were not a formal party) lost. Overall, however, the real transfer of seats due to fragmentation was very low.²² It simply does not seem possible to attribute the ‘political closure’ of the Colombian political system to electoral dispersion.

Table 6 – Evolution of the index of the effective number of parties in the two Houses of Congress, between 1970 and 1998

Source: Gutiérrez (1998)

Year	Senate	House
1970	2.94	2.98
1974	2.17	2.28
1978	2.01	2.06
1982	1.97	1.98
1986	2.46	2.45
1990	2.22	2.18
1991	2.91	3.01
1994	2.82	2.71
1998	3.77	3.17

²² Francisco Gutiérrez, *The puzzle of hyper-fragmentation in Colombia: 1958-2002*, forthcoming.

Secondly, and connected with the previous point, even if the ‘closest’ electoral institutions do not offer good explanations, other institutional reforms that could have had an important impact in dispersion can still be found. Expressed in another way, the moral of this paper is not that ‘the institutions do not count’, but rather that in each specific case it has to be seen why and how they do count. Electoral decentralisation in Colombia is a case in point. Perhaps the introduction of popular voting for mayors in 1988 encouraged dispersion by giving political operators new sources, and thus making them less dependent on central party authorities? This would explain the explosion of liberal lists in 1990 (although not that of 1982). It is clear that we are faced by a specification problem.

Thirdly, the way in which the neo-institutionalist programme has almost overwhelmingly been applied to the study of politics in Latin America shows that it lacks mechanisms to evaluate situations where two or more institutions act in opposite directions. For example, in period two of this study there is an opening up of the political system, and at the same time a (relatively weak) separation of parliamentary and presidential elections. Which has more weight? Intuitively, one would think that the weight of the opening up of competition between parties is much more important than electoral separation. But the majority of the analyses simply ignore the problem. Even more complex is the question of which institutions to include in the analysis. In our case, how far does one have to go from the purely electoral domain in order to find the causes and/or explanations of the effects being studied?

These three vacuums together produce a high degree of analytical indetermination. I will focus on this point in the next section.

Individual calculus and political structures

The situation only gets worse when we start to look at clientelism. The term actually designates distinct moments of a phenomenon in constant evolution subject to continuous change. The period of classic clientelism, with its vertical structures and the careful juxtaposition between class hierarchies and hierarchies within the political network, barely survived the *Frente Nacional* (1958-1974).²³ Subsequently a decrease in the asymmetry gradient between the boss and the clients can be seen, along with the gradual replacement of the notables in the upper echelons of the networks. Different analysts have given different names and descriptions to the process, but they coincide in that by the end of the 1980s there was already an obvious mismatch between the organisational cartography of the clientelist networks and the class structure of the country.²⁴ Added to this, there were substantial changes in the nature and the organisational design of the clientelist networks in Colombia, which implied a levelling out of the hierarchy, with local political operators securing advantages at the expense of members of parliament, and members of parliament at the expense of the party centre. This has contributed to a radical increase in political competition within and outside the traditional parties.

²³ Gary Hoskin & Gerald Swanson, ‘Political party leadership in Colombia. A spatial analysis’, *Comparative Politics*, 6:3 (1974), pp.395-423.

²⁴ See, amongst others, Francisco Leal & Andrés Dávila, *Clientelismo: el sistema político y su expresión regional*, Bogotá: IEPRI - Tercer Mundo, 1990; as well as Ronald Archer, ‘The transition from traditional to broker clientelism in Colombia: political stability and social unrest’, *Kellogg Institute Working Paper*, 140, University of Notre Dame, 1990; and Francisco Gutiérrez, *La ciudad representada. Política y conflicto en Bogotá*, Bogotá: IEPRI-Tercer Mundo, 1998.

When a relationship is established between clientelism and fragmentation one has to take into account not only the evolution of fragmentation, but also that of clientelism. To forget this leads to a great deal of insensitivity with respect to political change, which is either considered to be non-existent or is automatically identified with deterioration. On highlighting the continuity elements between the distinct moments of the evolution of the system, the standard hypothesis attributes one single cause (in this case, clientelism or traditional politics) to two quite different effects, namely: the closed political system, which did not allow for the successful participation of any other political forces apart from liberalism and conservatism in elections, and fragmentation. The only way to maintain the implicit strength of this double causality (traditional politics produces a closed system *and* fragmentation) is by supposing that fragmentation and the closed system follow the same single mechanism of causality. It is because of this that Jiménez condemns the continuity of clientelist relationships “alien to democracy in the interior of every electoral undertaking”.²⁵ In actual fact, what we have been experiencing with the dual clientelism-fragmentation is a swarming invasion of political entrants, and – in the midst of this changing political landscape – an apparent inability of political actors to calculate well.

Why do the political operators engage in suboptimal practices? This highly interesting question has been systematically ignored. All previous evidence tends to show that fragmentation has not improved the performance of the politicians that choose to create their own micro-movement. It is obvious that the political operators are not responding to a clearly defined set of incentives, let alone maximizing the number of seats obtained in the House.

Perhaps I have chosen wrongly the objective function? There is another reasonable candidate: optimise the probability of being elected *individually*. Then the politician would be choosing between a place other than the first one in a (possibly strong) party list, and the first place in an individual (weak) list. Given the present levels of fragmentation, she would choose the second option, because after 1990 the odds of anybody being elected who was below the first place in the list were negligible; even the weakest non-party list would offer her better chances of being elected. I do not doubt that something of this type has been taking place (a direct result of unresolved collective action problems). But even in this improved version the standard hypothesis crashes into two walls, one empirical and the other conceptual:

- a. In fact, the politician has a third option: to withdraw. Given the extremely high costs that are involved in campaigning in Colombia (in particular the enormous investments, and the very real possibility of being killed or kidnapped by armed illegal groups), it seems quite intuitive to suppose that politicians with no real chance of winning would not enter the fray. As seen above, in an analysis that applies *a fortiori* to the independent family, Liberal candidates that do not have a chance still go to elections. Actually, stable hyper-fragmentation is only possible if this kind of suboptimal behaviour is widespread; otherwise, standard evolutionary mechanisms would operate against those who calculate wrongly and would cut down fragmentation at least to a ‘reasonable’ upper bound.²⁶

²⁵ Jiménez (1997), p.27.

²⁶ Different to the argument employed earlier, here we would be speaking of subjective probabilities of being elected, with a Bayesian adjusting mechanism. Please note that the evolutionary ‘trimming’ may produce a situation in which more people than the first name in the list are elected, thus diminishing the pro-fragmentation expectations. Once again we come back to the same point: hyper-fragmentation depends on poor calculation and performance. We are very far away from the rational gambler.

- b. If each politician maximizes her probability of being elected, it is not possible to assert that the system of incentives will induce all political actors to support the rules of the game that maintain high levels of fragmentation. On the contrary: political parties will have very strong reasons to discipline their politicians and, thus, change the rules of the game; and clientelistic bosses would be very alarmed with rules of the game that empower small political operators and allow them to play their own game without any kind of sponsorship.

In sum, the standard hypothesis has lost two main aspects of its explanation for hyper-fragmentation. First, the strong problems of collective action the Colombian political system has been facing since the late 1970s. Cox has suggested that political agencies are instrumental to manage and tame such problems.²⁷ In Colombia (and in other Andean countries) we have witnessed the failure of this political function, and the way in which this tension surfaced was hyper-fragmentation. In other words, dispersion was the only way to express the real power that local political operators had been able to gather already.²⁸ If anything, it was the consequence of an anomalous political opening, not of a closure.²⁹ Furthermore, the shortening of time horizons in the country (due to war and uncertainty) hinders the evolution of cooperation.³⁰

Second, the nature of political calculation, especially in turbulent settings. Politicians do indeed strategise, and can go baroque when delving into the technical details of their campaigns. But on the one hand they have only limited information and knowledge; and on the other, politics in general is an activity where performance is partially a function of expectations, because expectations create objective political realities. If a politician can persuade a broad constituency that he will be successful, he will be successful. So when windows of opportunity open, participation overshoots, and phenomena like agglomeration, crowding, and so on, take place. Especially if time horizons are very short, an invasion of new entrants is likely.

Conclusions

The standard hypothesis fails the exam: it does not explain well Colombia's hyper-fragmentation. What interest does the falsification made here have, beyond the discussion of the Colombian case?

I believe it invites a more thorough reflection on the relative value of 'institutional engineering' and, much more interestingly, on a detailed analysis of what the expression 'system of incentives' might mean in political studies. Ames's clear-headed definition of the neoinstitutional programme for Latin America – find what's wrong and then see how to solve it – highlights its very limits.

I would synthesize the latter in two main points. First, it is basically a backlash of very old modernization theories that (to all appearances) have not lost their deep appeal. The

²⁷ Gary Cox, *Making votes count. Strategic coordination in the world's electoral systems*, Cambridge: Cambridge University Press, 1997.

²⁸ And in this war, narco-trafficking, together with institutional reforms, played an important role.

²⁹ Francisco Gutiérrez, *Historias de democratización anómala. El Partido Liberal en el sistema político desde el Frente Nacional hasta hoy*, Bogotá: Editorial Norma, 2002. Indeed, by the mid-1990s opinion makers were queuing up to express the horror the class composition of the new political personnel caused them.

³⁰ Robert Axelrod, *La evolución de la cooperación*, Madrid: Alianza, 1986.

definition of what works regrettably depends on a sunken and unresolved teleology, with a wealth of moralistic undertones. There is a ‘modern’ and correct blueprint, and all problems derive from having failed to implement it: a perspective O’Donnell has already denounced with regard to the literature on democratic transitions.³¹ The abrupt modern/backward dichotomy induces the use of the vernacular categories of each national polity as analytical categories:³² the object of social analysis is denouncing the bad guys and supporting the good, ‘modern’ ones. Among the many examples I could present of this practice, perhaps the most outstanding is Nielson and Shugart’s paper on the Colombian constitution: they claimed it was an obvious success story of institutional engineering, because it had created a modernizing block that acted as a “median in all directions” and guaranteed progress and stability.³³ There was no evidence of a “median in all directions”, and the majorities that eventually appeared – surrounding the present president – are deeply opposed to the Constitution and can hardly be called modernizers at all. This is not a problem of wrong predictions but of very poor description.

Second, Latin American neoinstitutionalism faces a very serious problem of indeterminacy. According to a very old tradition, it wants to understand why things have gone awry.³⁴ So typically it has, on the one hand, a set of ‘big problems’ (political malaise or violence, instability, democratic fragility and involution, economic reform and development), and on the other, a set of ‘small explanations’ (the small print of electoral legislation, for example). This is a mismatch noted by Eckstein in regard to the discussion of the canonical case of democratic collapse, the Weimar Republic.³⁵ Big causes may have (good) small explanations. Actually, the best examples of the rationalistic style of analysis try to find “micromotives” behind “macrobehaviors”.³⁶ The real difficulty in political studies is to define well the categories that allow for this transit. There are many situations, even in the market, in which the micromotives cannot be taken as given, as the criticism of Nelson and Winter and others of neoclassical paradigms has eloquently shown;³⁷ and there are really not very deep reflections about what might constitute a system of incentives for those actors with (unknown) motives in the political realm. A hidden metric assumption replaces this vacuum: social activities are affected by the ‘nearest’ institutions. So if you want to explain political behaviour, look first at the nearest rules of the game (the great saga of the Weimar republic explained away by a wrong application of proportional representation, as Eckstein observed).³⁸ This seems clearly unwarranted. Perhaps it is the property rights, or the judicial

³¹ Guillermo O’Donnell, ‘Otra institucionalización’, *La Política*, 2:2 (1996), pp.5-28.

³² A sin that – regarding the theme of this paper – cannot only be attributed to Colombian researchers. Even the most cursory inspection of the several consulting results that were crafted to substantiate the case for an electoral reform in the country will show it.

³³ Daniel Nielson & Matthew Shugart, ‘Constitutional change in Colombia. Policy adjustment through institutional reform’, *Comparative Political Studies*, 32:3 (1999), pp.313-342. The paper appeared when practically all Colombian citizens –let alone analysts—were aware that, together with several positive aspects, the Constitution had also created many problems. The paper seems to misunderstand the concept of “median in all directions”. The formal theory of the median in all directions shows that it is a very, very rare occurrence, and thus puts on the shoulders of the student the proof that it actually is there. Nielson and Shugart choose to name the esoteric hype word, but not to tinker with the concept.

³⁴ Albert Hirschman, *A bias for hope. Essays on development and Latin America*, New Haven & London: Yale University Press, 1971.

³⁵ Harry Eckstein, ‘Unfinished business’, *Comparative Political Studies*, 33:6/7 (2000), pp.505-535.

³⁶ Thomas Schelling, *Micromotives and macrobehavior*, New York and London: W. W. Norton & Company, 1978.

³⁷ Richard Nelson & Sydney Winter, *An evolutionary theory of economic change*, Cambridge & London: Harvard University Press, 1982; Thomas Gilovich, Dale Griffin & Daniel Kahneman, *Heuristics and biases. The psychology of intuitive judgement*, Cambridge: Cambridge University Press, 2002.

³⁸ Eckstein (2000).

structures, or the ‘culture’, that explain the given outcome. But this leads to pure ‘ad-hoc-ism’: add as many auxiliary explanatory variables as you need to solve your problem.³⁹

A less obvious consequence is the de-politicisation of political analysis, as Coppedge intelligently observed.⁴⁰ In politics, ‘intermediate agency’ (parties, socioeconomic categories, regional, ethnic and national identities) is crucial, and the majority of institutional engineering studies simply lose them. Every intermediate object is an aggregation of individuals; or even if the intermediary object is taken into account, it is deprived of its voice. Voiceless political analysis can become utterly meaningless (politics is precisely about voice).⁴¹ Not only voice, but also political agency is crucially lost. The failure to endogenise institutions – as if the contestation of the rules of the game were not central to several Latin American polities – is a clear symptom of this. The irony is that the discourse of political reform (the epitome of aseptic, well-meant engineering) – has been endogenised by quick-witted political actors, some of them intent on undermining democratic institutions.⁴² Here, the inconsistencies of a type of analysis that claims to be ‘positive’, and at the same time is oriented towards immediate policy recommendations (consultancy writ large), come to the fore.

³⁹ A typically ‘degenerative research programme’, in Lakatos parlance. The notion of ‘informal institution’ is particularly unhelpful, because it allows you to introduce, without control, as many independent variables as you need. In Latin American studies, once again this has ended in a moralistic-culturalist orgy (bad outcomes are the result of devious-immoral practices).

⁴⁰ Michael Coppedge, ‘The dynamic diversity of Latin American party systems’, paper for Latin American Studies Association conference, Guadalajara, Mexico, 1997, at <http://136.142.158.105/LASA97/coppedge.pdf>.

⁴¹ Albert Hirschman, *Exit, Voice and Loyalty*, Cambridge, MA: Harvard University Press, 1970. Hirschman showed that analysis with voice allowed for the building of formal models, etc. So this is not a discussion along the quantitative-qualitative divide (a divide which is sterile).

⁴² Political reform is the great myth of the decade, the Ecuadorian daily *El Comercio* claimed in the late 1990s.

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The aim of the Crisis States Programme (CSP) at DESTIN's Development Research Centre is to provide new understanding of the causes of crisis and breakdown in the developing world and the processes of avoiding or overcoming them. We want to know why some political systems and communities, in what can be called the "fragile states" found in many of the poor and middle income countries, have broken down even to the point of violent conflict while others have not. Our work asks whether processes of globalisation have precipitated or helped to avoid crisis and social breakdown.

Crisis States Programme collaborators

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Asia Development Research Institute (Patna, Bihar)
NEIDS, North-East Hill University (Shillong)
Developing Countries Research Centre (University of Delhi)

In South Africa:

Wits Institute of Social & Economic Research (WISER)
Sociology of Work Workshop (SWOP)
Department of Sociology
(University of the Witwatersrand, Johannesburg)

In Colombia:

IEPRI, Universidad Nacional de Colombia
Universidad de los Andes
Universidad del Rosario

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- 1 We will assess how constellations of power at local, national and global levels drive processes of institutional change, collapse and reconstruction and in doing so will challenge simplistic paradigms about the beneficial effects of economic and political liberalisation.
- 2 We will examine the effects of international interventions promoting democratic reform, human rights and market competition on the 'conflict management capacity' and production and distributional systems of existing polities.
- 3 We will analyse how communities have responded to crisis, and the incentives and moral frameworks that have led either toward violent or non-violent outcomes.
- 4 We will examine what kinds of formal and informal institutional arrangements poor communities have constructed to deal with economic survival and local order.



Development Research Centre,
Development Studies Institute (DESTIN),
LSE, Houghton Street, London WC2A 2AE
Tel: +44 (0)20 7849 4631 Fax: +44 (0)20 7955 6844
e-mail: csp@lse.ac.uk

